

REMARKS

Claims 1-26 are pending in this application. Several claims have been amended herein. Claims 19-20 and 25 have been canceled herein. Accordingly, Claims 1-18, and 21-24 remain before the Examiner.

35 U.S.C. § 112

Claims 18-20 and 23-26 stand rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the enablement requirement. The rejection focuses on the use of the term “prophylaxis.” Although Applicants disagree with the Office’s rigid stance that prophylaxis means the method “must be 100% successful at avoiding any occurrence of said condition at any time in the future.” The term has been deleted from the claims as an administrative expedient. Accordingly, the rejection is now moot. Withdrawal of the rejection is respectfully requested.

Claims 18-26 stand rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the enablement requirement. The Action notes “one skilled in the art must be able to reasonably and exhaustively define which disorders are included within the claim limitations.” Accordingly, Applicants have amended claims 18 and 24 to include a listing of specific diseases, disorders, and conditions that can be treated in accordance with the claimed methods. Applicants respectfully assert that the specification provides sufficient support for treatment of the listed conditions, which have been associated with reduced cholinergic function and therefore can be mediated through the action of nicotinic acetylcholine receptors. Withdrawal of the rejection is respectfully requested.

Applicants respectfully assert that all pending claims are in compliance with 35 U.S.C. § 112. Withdrawal of all rejections based thereon is respectfully requested.

35 U.S.C. § 103

Claims 1-14 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over WO01/66546 (Katayama et al.) In particular, the Action alleges that “for all embodiments of the claimed invention the group Ar1-A-Ar2 falls within the definition of “substituted phenyl” when Ar1 is phenyl.” The Action then notes that Katayama et al. does not teach the specific substituents –A-Ar2.

The Katayama et al. reference is in Japanese. Applicants were unable to locate an English language equivalent thereof. Nevertheless, a review of the 216 exemplary structures provided by Katayama et al. shows that none contain substituted phenyls where the substitution is –A-Ar2 as defined by Applicants. Katayama et al. simply does not teach or suggest a bi-aryl moiety that results from Applicants –Ar1-A-Ar2 moiety. Even where Ar1 is phenyl, Applicants’ claimed compounds are distinguishable from Katayama et al., which appears to be limited to much more simple substituents, such as halogen, alkyl, etc. Thus, there is no suggestion to put larger aryl or heteroaryl groups as claimed by Applicants. Accordingly, Applicants’ claimed compounds are both novel and non-obvious over the cited reference. Withdrawal of the rejection is respectfully requested.

The Commissioner is hereby authorized to charge any fee or underpayment thereof or credit any overpayment to Deposit Account No. 260166.

Early reconsideration and allowance of all pending claims is respectfully requested. The examiner is requested to contact the undersigned attorney if an interview, telephonic or personal, would facilitate allowance of the claims.

Respectfully submitted,
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